

HOUSE BILL 868

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HB 67/01 - JUD

2003 Regular Session
3lr2030

By: **Delegate Schisler**
Introduced and read first time: February 7, 2003
Assigned to: Judiciary

Committee Report: Favorable
House action: Adopted
Read second time: March 11, 2003

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law - Prohibition Against Possession of Portable Pagers on School**
3 **Property - Repeal**

4 FOR the purpose of repealing a prohibition against the possession of portable pagers
5 on public school property; and declaring the intent of the General Assembly.

6 BY repealing
7 Article - Education
8 Section 26-104
9 Annotated Code of Maryland
10 (2001 Replacement Volume and 2002 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Education**

14 [26-104.

15 (a) This section applies only in Baltimore City and Caroline, Dorchester,
16 Somerset, Talbot, Wicomico, and Worcester counties.

17 (b) (1) In this section the following words have the meanings indicated.

18 (2) "Portable pager" means any device carried, worn, or transported by
19 an individual to receive or communicate messages.

20 (3) "Public school property" means the grounds of any public school.

1 (c) Except as provided in subsection (d) of this section, an individual may not
2 possess a portable pager on public school property.

3 (d) This section does not apply to:

4 (1) Handicapped students using portable pagers for medical reasons;

5 (2) Law enforcement officers;

6 (3) Visitors on public school property for an authorized program,
7 meeting, or function;

8 (4) Faculty or staff members employed by a county board;

9 (5) Members of any volunteer fire department, ambulance company, or
10 rescue squad, who are designated to possess a portable pager on public school
11 property by the chief of the volunteer fire department, ambulance company, or rescue
12 squad, and the school principal; and

13 (6) Students whose portable pagers are contained in vehicles that are on
14 public school property and are not found to be connected with criminal activity.

15 (e) If an individual violates subsection (c) of this section, the school
16 authorities:

17 (1) On a first offense, may contact a law enforcement officer; and

18 (2) On a second or subsequent offense, shall immediately contact a law
19 enforcement officer.

20 (f) A law enforcement officer contacted by school authorities in accordance
21 with subsection (e) of this section:

22 (1) Shall immediately inquire as to the reasons the individual possesses
23 the pager; and

24 (2) May arrest the violator.

25 (g) Any person who violates subsection (c) of this section is guilty of a
26 misdemeanor and on conviction is subject to a fine not exceeding \$2,500,
27 imprisonment not exceeding 6 months, or both.]

28 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
29 General Assembly that local education agencies, working with the State Department
30 of Education, develop their own local policies regarding the use of portable pagers and
31 cellular telephones on public school property and, in enacting Section 1 of this Act, it
32 is not the intent of the General Assembly to encourage the use of portable pagers and
33 cellular telephones on public school property during school hours.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2003.

